

REMARKS

In response to the final Office Action dated March 12, 2001, claims 1, 2 and 13 have been amended. Claims 1-17 remain in the case. The Applicants respectfully request that this amendment be entered under 37 C.F.R. 1.116 to place the above-referenced application in condition for allowance or, alternately, in better form for consideration on appeal. Reexamination and reconsideration of the amended application are requested.

Double Patenting

Claims 1-8 and 11-16 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 9, 11, 13-17 and 19 of co-pending U.S. application number 09/156,766.

In response, the assignee has elected to file a terminal disclaimer under 37 C.F.R. 1.321(c). This terminal disclaimer has been signed by an attorney of record and is attached herewith.

Section 103(a) Rejections

The Applicants wish to note that the amendments to independent claims 1, 2 and 13 incorporate the subject matter contained in dependent claims. Therefore, no new subject matter has been added and no new search is required. Based on these amendments and the arguments below, the Applicants respectfully ask the Examiner to enter these amendments and pass this application to issue.

The final Office Action rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. (U.S. Patent No. 6,012,044). In particular, the Office Action contended that Maggioncalda et al. disclose each and every element of the Applicants' invention, except for transmitting rules of enforcement, preventing sub-item conflicts with the transmitted rules of enforcement and processing the rules of enforcement for sub-item combinations in the background. However, the Office Action maintained that it would have been obvious for these steps to be necessarily included in Maggioncalda et al. in order to allow the system of Maggioncalda et al. to process

and display sub-items logically and properly.

The Applicants respectfully traverse this rejection based on the claim amendments and the arguments below. In particular, the Applicants maintain that Maggioncalda et al. do not disclose, suggest or provide any motivation for claimed features of the Applicants' claimed invention. Further, the cited reference fails to appreciate the advantages of these claimed features.

To make a prima facie showing of obviousness, all of the claimed features of an Applicant's invention must be considered, especially when they are missing from the prior art. If a claimed feature is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie showing of obviousness has been made. The Federal Circuit Court has held that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, if the prior art reference does not disclose, suggest or provide any motivation for at least one claimed feature of an Applicant's invention then a prima facie case of obviousness cannot be established (MPEP § 2142).

Amended claim 1 of the Applicants' invention includes a method for dynamically displaying data values including transmitting results, sub-items associated with the results, and rules of enforcement of sub-item combinations from a server to a remote client through a communications interface. The client computer processes the results in real time in response to user adjustment of the results and sub-item configuration. Moreover, the processing continues even after the communications interface between the server and the client has been terminated.

In contrast, Maggioncalda et al. merely disclose a financial advisory system that must have a continuous communications interface between the client and server. More specifically, Maggioncalda et al. disclose a financial advisory system having a one or more servers (such as a financial staging server 120) and a client. A communication device is used to access remote servers (col. 7, lines 12-14). Using the communication device the system is coupled to a number of servers (col. 7, lines 18-21). This communication device is used to "provide the user with a means of

interacting with and receiving feedback from the financial advisory system 300" (col. 8, lines 4-9). This means that the client computer must continue to communicate with one or more remote servers over the communication device in order to "interact with and receive feedback from the financial advisory system 300".

On the other hand, the Applicants' invention permits processing results in real time even after the communications interface between the server and the client has been terminated. Maggioncalda et al. simply does not disclose this type of processing. Consequently, absent any type of motivation or suggestion Maggioncalda et al. cannot render the Applicants' invention obvious (MPEP § 2143.01).

Maggioncalda et al. also fail to appreciate or even recognize the advantages of this claimed feature of the Applicants' invention. Namely, the Applicants' feature of continuing processing even after the communications interface between the server and the client has terminated enables client-side processing. This client-side processing avoids lengthy server reloading and reduces network traffic (specification, page 4, lines 1-3). Moreover, a user is able to quickly access and adjust information dynamically and in real time without server delays (specification, page 5, lines 15-16). Nowhere do Maggioncalda et al. discuss or appreciate these advantages of the Applicants' claimed feature of continuing processing even after the communications interface between the server and the client has been terminated.

Thus, the Applicants respectfully submit that Maggioncalda et al. do not disclose, suggest or provide any motivation for at least one claimed feature of the Applicants' invention. Further, Maggioncalda et al. fail to appreciate the advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the cited reference does not render the Applicants' claimed invention obvious because the reference is missing at least one material feature of the Applicants' invention. Consequently, because a prima facie case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive supporting the

combination", the rejection must be withdrawn. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577; 221 USPQ 929, 933 (Fed. Cir. 1984).

Claim 2 of the Applicants' invention includes a set of results, criteria associated with the set of results, and rules of enforcement that are transmitted from a server through a communications interface to a client in response to a request from the client. In addition, claim 2 includes at least one adjustable interface option that enables adjustment of the associated criteria within the confines of the transmitted rules of enforcement and causes dynamic output to change in real time even after the communications interface between the server and the client has been terminated.

The Applicants submit that the arguments set forth above in regard to claim 1 also apply to claim 2. Consequently, the Applicants' believe that claim 2 is non-obvious over Maggioncalda et al. based on the arguments above.

Claim 13 of the Applicants' invention includes transmitting pricing data, associated options and rules for selection from a server to a client and displaying the pricing data in response to user interaction with the transmitted rules for selection. The pricing data is dynamically updated using the client computer, even after the communications interface between the client computer and the server computer has been terminated.

The Applicants submit that the arguments set forth above in regard to claim 1 also apply to claim 13. The Applicants', therefore, believe that claim 13 is non-obvious over Maggioncalda et al. based on the arguments above.

Moreover, dependent claims 6-12 depend from independent claim 1, dependent claims 3-5 depend from independent claim 2, and dependent claims 14-17 depend from independent claim 13 and are therefore also nonobvious over the cited reference (MPEP § 2143.03).

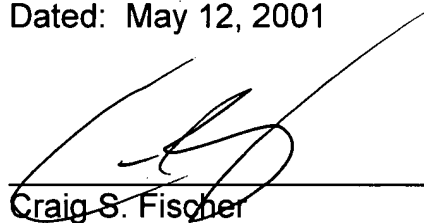
In view of the claim amendments and the arguments set forth above, the Applicants respectfully submit that the rejection of claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. has been overcome and that pending claims 1-17 in this application are in immediate condition for allowance. The

Examiner, therefore, is respectfully requested to enter the amendments to claims 1, 2 and 13, withdraw the outstanding rejections and pass this application to issue.

Furthermore, in an effort to further and expedite the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (805) 278-8855 if the Examiner has any questions or concerns.

Respectfully submitted,

Dated: May 12, 2001

A handwritten signature in black ink, appearing to read 'Craig S. Fischer', is written over a horizontal line.

Craig S. Fischer
Registration No. 42,535
Attorney for Applicants

LYON HARR & DEFRANK, L.L.P.
300 East Esplanade Drive, Suite 800
Oxnard, CA 93030-1274
Tel: (805) 278-8855
Fax: (805) 278-8064

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Following are marked-up versions of amended claims 1, 2 and 13:

1. (Thrice Amended) A method for dynamically displaying data values, comprising:

transmitting results, sub-items associated with the results, and rules of enforcement of sub-item combinations in a predefined format from a server to a remote client through a communications interface in response to a request from the client to the server;

displaying a first set of results on a client display device;

processing the results in real time using the client computer in response to user adjustment of the results and sub-item configuration on the client computer, wherein the processing continues even after the communications interface between the server and client has been terminated;

preventing sub-item conflicts using the transmitted rules of enforcement; and

dynamically displaying the processed results on the client display device.

2. (Twice Amended) A display device having rendered thereon dynamically changing results of a database query, comprising:

a set of results, criteria associated with the set of results, and rules of enforcement of the criteria being stored as information on a server, wherein the information is transmitted from the server through a communications interface to a remote client that made a request for the results for display on the client, the information being transmitted as encoded data;

at least one dynamic output; and

at least one adjustable interface option displayed on the client adapted to enable adjustment by the remote client of the associated criteria confined within the transmitted rules of enforcement for causing the dynamic output to change in real time even after the communications interface between the server and client has been terminated.

13. (Once Amended) A method for dynamically displaying pricing data on a client display device comprising:

establishing a communications interface between a client computer and a server computer;

requesting pricing data from the client to the server for at least one object;

generating pricing data with associated options and rules for selection and combination of the associated options for each object at the server;

transmitting the pricing data, associated options, and rules for selection and combination of the associated options from the server to the client;

displaying a first set of pricing results on the client display device;

providing a user interface on the client display device for user interaction with the pricing data and selection and combination of the associated options; and

dynamically updating the pricing data using the client computer to process the update and displaying the pricing data on the client display device in response to user interaction with the pricing data and associated options, and rules for selection and combination, even after the communications interface between the client computer and the server computer has been terminated.